

Docket No: 33546-01  
Patent

The composition of the instant invention is a non-aqueous emulsifiable concentrate (EC) formulation. Required components of the formulation along with the active ingredient are an alkoxylate of an aliphatic alcohol, an anionic dispersant and a polar aprotic organic solvent. In addition, the composition optionally contains a non-ionic dispersant, an non polar organic solvent and a defoamer. The various components of the formulation are present in defined ratios.

Valcke discloses and claims synergistic fungicidal compositions containing metconazole, another fungicidal triazole and a carrier. Valcke discloses many possible components for many different types of compositions. For guidance concerning an emulsifiable concentrate (EC), one of ordinary skill in the art would consult the disclosure of Example 2. This example discloses eight ECs, all of which contain metconazole and another fungicide. None of the disclosed formulations contain an alkoxylate of an aliphatic alcohol. They all contain dimethylbenzene mixture, an optional component of the instant claimed composition.

The disclosure of Valcke would not motivate one of ordinary skill in the art to arrive at the instant claimed composition. Reconsideration is respectfully requested.

If the Examiner believes a telephone call to the undersigned would favorably advance the prosecution of this application or narrow any outstanding issues, he is respectfully invited to call the undersigned at the telephone number indicated below.

Respectfully submitted

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